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8 UNITED STATES DISTRICT COURT FOR THE  
9 WESTERN DISTRICT OF WASHINGTON

10 11 STUDIO360, Inc. 12 PLAINTIFF, 13 vs. 14 WYNN RESORTS LTD., 15 DEFENDANT.	16 CASE No.:  17 DECLARATION AND VERIFICATION OF DAN TAYLOR  [JURY DEMANDED]
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19 Dan Taylor declares:

- 20 1. I am the founder and sole owner of plaintiff Studio360, Inc.  
21 2. I took the photograph shown in Exhibit A to the complaint as an original work for  
22 Studio360.  
23 3. This photograph has never been licensed.  
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4 4. Almost all internet traffic to a Studio360's web site stems from people searching for  
5 images of travel destinations using Google image search.

6 5. The quality of an images is critical to our business model. Unlike other searches,  
7 people searching for travel information want to see the place they will be visiting, the hotel where  
8 they will stay and the local surroundings. A person searching for the phone number of a  
9 restaurant or the best treatment for asthma doesn't want or need an image, someone going to  
10 Costa Rica always does. Studio360 figured this out years ago and started creating web sites for  
11 travelers that incorporated great images of the places they might go.  
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13 6. Images appear in Google's search results based upon Google's image ranking  
14 algorithm. Under this algorithm, a popular image will be ranked higher and placed closer to the  
15 top of the page of image search results where they generate more traffic. In our experience, good  
16 photos rise in popularity and generate more internet traffic.  
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18 7. I generally take most of Studio360's photographs. I took the one of Wynn in question  
19 here. In the past year, I have traveled to over 20 travel destinations, as far away as Mexico and  
20 as close as Tacoma, taking photographs for our web sites.  
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22 8. About 2 years ago, Studio360 entered into an agreement with a third party to receive  
23 commissions based on room reservations originating at a Destination360 web page. This  
24 agreement included reservations made at the Wynn Las Vegas.  
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4 9. Since then, there have been millions of page impressions on the destination360 web  
5 page for the Wynn Las Vegas and, based on the commissions Studio360 has received, thousands  
6 of these people have gone on to reserve a room at the Wynn Las Vegas resorts. These page  
7 impressions come because from the thousands of pictures of the Wynn Las Vegas returned by a  
8 Google search, our image is usually the first one shown – it is one people like, select and click.  
9 And once at our web site, these same people often click through to reserve a room with Wynn.

10 10. Wynn knew all of this. In March of 2007, Karen White of Wynn told me that  
11 Studio360 was one of there most important sources of room reservations. I know because they  
12 put us up in their hotel and provided food and entertainment for the weekend just to tell me.

13 11. I swear under penalty of perjury that I have read the allegations made in the attached  
14 complaint are true to the best of my knowledge or upon my information and belief, I believe  
15 them to be true.  
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17  
18 May 31, 2009.

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21   
22 Dan Taylor